

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THOMAS WALKER
6706 Balsam Drive
Bedford, OH 44146

Plaintiffs,

V.

FREDERICK J. HANNA &
ASSOCIATES, P.C.
2253 Northwest Parkway SE
Marietta, Georgia 30067

Defendant.

Case No.: 1:14-cv-1862

JURY DEMAND REQUESTED

VERIFIED CIVIL COMPLAINT
(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

PLAINTIFF THOMAS WALKER (Plaintiffs), by his attorneys, KAHN AND ASSOCIATES, L.L.C., allege the following against DEFENDANT FREDERICK J. HANNA & ASSOCIATES, P.C. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.

3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Bedford, Cuyahoga County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Marietta, Georgia.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant places excessive and continuous calls to the Plaintiff in an attempt to collect an allegedly owed debt from a debtor identified as "Crystal Lee Walker".
11. Defendant calls Plaintiff from telephone number 866.375.4232 at Plaintiff's telephone number 440.232.5337.

12. On or around June 16, 2014 Plaintiff notified Defendant's agent or employee that the alleged debtor did not live with Plaintiff and could not be reached at Plaintiff's telephone number. Defendant's agent or employee assured Plaintiff that his number would be removed from the system.
13. Another of Defendant's agent or employee called the very next day seeking the same alleged debtor, "Crystal Lee Walker" and Plaintiff again informed the caller that they had the wrong number to which the caller replied they had a grace period to remove the number.
14. Defendant called Plaintiff on multiple occasions shortly thereafter. Said calls were for no other reason but to annoy and harass the Plaintiff.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(3) by, in a communication with a person other than the consumer, communicating with that person more than once unless requested to do so by that person, or without the reasonable belief that the earlier response was erroneous or incomplete and that the person now has correct or complete location information.
 - b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called

number.

- d. Defendant violated §1692e of the FDCPA through the use of false, deceptive, or misleading representation or means in connection with the collection of any debt.

WHEREFORE, Plaintiff, Thomas Walker, respectfully request judgment be entered against Defendant, FREDERICK J. HANNA AND ASSOCIATES for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Thomas Walker, request a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

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